

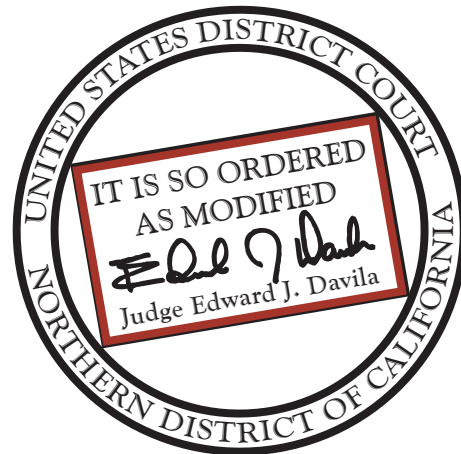
MELINDA HAAG (CABN 132612)
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division

DAVID R. CALLAWAY (CABN 121782)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5596
Facsimile: (408) 535-5066
E-mail: David.Callaway@usdoj.gov

Attorneys for Plaintiff



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SHAWN D. HOGAN,)
)
Defendant.)

No. CR 10-00495 EJD

STIPULATION TO CONTINUE
EVIDENTIARY HEARING
AS MODIFIED

Date: July 25, 2013
Time: 1:30 p.m.

Before The Hon. Edward J. Davila

The parties stipulate as follows:

1. The parties wish to continue the date for the evidentiary hearing from July 25 to **Thursday, September 12, 2013, at 1:30 p.m.**

2. The basis for the requested continuance is to allow the parties to continue to meet and confer in an effort to reach a stipulated loss and restitution figure. Because of difficulties in finding a date that would work for both the parties' counsel and Mr. Hogan's experts, the earliest we could schedule a formal, in-person meeting to discuss settlement is the one currently set for the evidentiary hearing: July 25, 2013. That meeting will include Mr. Hogan's counsel, his experts, as well as counsel for the government and outside counsel for eBay. The goal is to arrive at a global resolution

STIPULATION AND ORDER

1 that resolves both the loss and restitution issues in the criminal case and also settles the currently-
2 stayed civil case, Ebay v. Digital Point Solutions, et al., 5:08-CV-04052 EJD.

3 3. Similarly, the first available date when all counsel and Mr. Hogan's experts would
4 be able to attend an evidentiary hearing – should that still prove to be necessary – is the requested
5 date of September 12, 2013.

6 Respectfully submitted,

7
8 /s/
JESSICA K. NALL, ESQ.
9 Counsel for Sean Hogan
DATE: June 25, 2013

10
11 MELINDA HAAG
United States Attorney

12
13 /s/
DAVID R. CALLAWAY
14 Counsel for Plaintiff
DATE: June 25, 2013

15
16 **ORDER** [proposed] AS MODIFIED

17 Based upon the foregoing Stipulation and good cause appearing,

18 IT IS HEREBY ORDERED that the evidentiary hearing to address loss and restitution
19 issues shall be held on **Thursday, September 12, 2013, at 1:30 p.m.**, before The Honorable
20 Edward J. Davila, United States District Judge. The Court sets an interim Status Conference on
August 19, 2013 at 1:30 PM.
21 DATED: 6/26/2013

22 
23 THE HON. EDWARD J. DAVILA
United States District Judge